

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 28, 2009. Upon entry of the amendments in this response, claims 1 – 43 remain pending. In particular, Applicants amend claims 1 and 43. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 1 – 28 and 43 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to comply with the written description requirement. Applicants amend claims 1 and 43, as indicated above. Applicants submit that claims 1 – 28 and 43, as amended, fulfill all the requirements of 35 U.S.C. §112.

II. Rejections Under 35 U.S.C. §103 – *Andersen, Shipp, and Adolf*

A. Claim 1 is Allowable Over *Andersen, Shipp, and Adolf*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp* and *Adolf* fail to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host:

establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host;

during a first time interval, comparing (a) identities of destination hosts identified in requests to send data from the first host and (b) identities of destination hosts identified in the record;

transmitting all requests to send data; and

storing in a buffer data relating to requests which identify a destination host not in the record.

(Emphasis added).

Applicants respectfully submit that claim 1 is allowable over the cited art for at least the reason that none of *Andersen*, *Shipp*, and *Adolph*, taken alone or in combination, discloses, teaches, or suggests a "method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host...

establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host... [and] storing in a buffer data relating to requests which identify a destination host not in the record" as recited in claim

1. First, as previously argued, the combination of references simply does not teach "***storing in a buffer data relating to requests which identify a destination host not in the record.***" The Office Action has repeatedly argued that *Shipp* and *Andersen* must be considered. Applicants submit that even a combination of *Shipp* and *Andersen* fail to render claim 29 obvious. More specifically, *Shipp* clearly discloses a "logger 22 [that] is programmed so that the system logs components of each message so that similar messages can be detected. The following are logged: Subject line and digest of subject line; First few characters of text part of email, digest of first text part, and digest of first few characters..." (page 10, line 21). *Shipp* continues, disclosing:

[t]he stopper 25 takes signatures from the searcher 24. The signature identifies characteristics of emails which must be stopped. On receiving the signature, all future matching emails are treated as viruses, and stopped. Obviously, the stopping action can take a number of forms, including... Holding them in

temporary storage and notifying the addressee by email that an infected message has been intercepted and is being held for a period for their retrieval, should they wish, otherwise it will be deleted.

(Page 11, line 30).

As clearly illustrated in this passage, *Shipp* is identifying characteristics of the email message to determine whether to "hold them in temporary storage." *Andersen* however, discloses an "identifier of the host system being accessed, for example the URL of the host system being accessed, may be extracted from the request and be included as the log data to be forwarded to log server 150 of FIG. 1" (column 5, line 19). Because *Shipp* is clearly and exclusively identifying characteristics of the email message to determine whether to "hold them in temporary storage," *Shipp* has no use for an extracted URL, as disclosed in *Andersen*. Similarly, as *Andersen* fails to even suggest monitoring for the propagation of viruses, there is simply no motivation to combine the two references for this purpose. Further, notwithstanding motivation, a combination of the two references as a whole would not render claim 1 obvious for at least the reason that such a combination would still not allow for the combination of these elements.

Second, the cited references fail to suggest "**establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host**" as recited in claim 1. More specifically, the Office Action admits "[t]he combination [of *Andersen* and *Shipp*] does not explicitly disclose establishing a record which is at least indicative of identities of hosts within the network to whom data has been sent by a first host" (OA page 4, line 18). Additionally, *Adolf* fails to overcome the deficiencies. More specifically, *Adolf* discloses "[g]eneration of data by mobile units (vehicles) to model reality concerning route(s) and traffic and storing this data for further use" (Abstract). The portion of *Adolf* cited by the Office action includes citation of Denmark Patent No. 38 28 725 A1, which describes "a method to record and sort a route carried out for the first time with a facility installed in the subject vehicle" (column 1, line 40). As illustrated in this passage, *Adolf* does

not even suggest a “method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... **establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host**” as recited in claim 1. Further, notwithstanding the fact that *Adolf* fails to disclose or suggest these elements, *Adolf* discloses a “method and device for generating, merging, and updating of destination [vehicle] traffic data” (title), which is completely different than a “method and apparatus for remote network access logging and reporting” (*Andersen* title) or “monitoring e-mail traffic for viruses (*Shipp* title). More specifically, monitoring traffic data has nothing to do with monitoring email traffic or logging network access. Consequently, there is absolutely no motivation to combine these references. Further, in viewing the references as a whole, combining a reference for vehicle traffic with email traffic cannot disclose or suggest a “method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... **establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host**” for at least the reason that claim 1 has nothing to do with vehicle traffic.

For at least these reasons, the rejection that includes *Shipp*, *Andersen*, and *Adolf* is improper. Accordingly, Applicants respectfully request removal of this rejection and allowance of claim 1.

B. Claim 29 is Allowable Over Andersen, Shipp, and Adolph

The Office Action indicates that claim 29 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp* and *Adolf* fail to disclose, teach, or suggest all of the elements of claim 29. More specifically, claim 29 recites:

A method of operating a first host within a network of a plurality of hosts, said method comprising the following steps carried out by a first host:

over the course of a first time interval, monitoring creation of sockets within the first host to identify destination hosts identified therein;

comparing identities of destination hosts monitored during the first time interval with destination host identities in a record; and

storing data from all sockets which identify monitored destination hosts not in the record.

(Emphasis added).

Applicants respectfully submit that claim 29 is allowable over the cited art for at least the reason that none of *Andersen*, *Shipp*, and *Adolph*, taken alone or in combination, discloses, teaches, or suggests a "method of operating a first host within a network of a plurality of hosts, said method comprising the following steps carried out by a first host... ***comparing identities of destination hosts monitored during the first time interval with destination host identities in a record... [and] storing data from all sockets which identify monitored destination hosts not in the record***" as recited in claim 29. First, as previously argued, the combination of references simply does not teach "***storing data from all sockets which identify monitored destination hosts not in the record.***" The Office Action has repeatedly argued that *Shipp* and *Andersen* must be considered. Applicants submit that even a combination of *Shipp* and *Andersen* fail to render claim 29 obvious. More specifically, *Shipp* clearly discloses a "logger 22 [that] is programmed so that the system logs components of each

message so that similar messages can be detected. The following are logged: Subject line and digest of subject line; First few characters of text part of email, digest of first text part, and digest of first few characters..." (page 10, line 21). *Shipp* continues, disclosing:

[t]he stopper 25 takes signatures from the searcher 24. The signature identifies characteristics of emails which must be stopped. On receiving the signature, all future matching emails are treated as viruses, and stopped. Obviously, the stopping action can take a number of forms, including... Holding them in temporary storage and notifying the addressee by email that an infected message has been intercepted and is being held for a period for their retrieval, should they wish, otherwise it will be deleted.

(Page 11, line 30).

As clearly illustrated in this passage, *Shipp* is identifying characteristics of the email message to determine whether to "hold them in temporary storage." *Andersen* however, discloses an "identifier of the host system being accessed, for example the URL of the host system being accessed, may be extracted from the request and be included as the log data to be forwarded to log server 150 of FIG. 1" (column 5, line 19). Because *Shipp* is clearly and exclusively identifying characteristics of the email message to determine whether to "hold them in temporary storage," *Shipp* has no use for an extracted URL, as disclosed in *Andersen*. Similarly, as *Andersen* fails to even suggest monitoring for the propagation of viruses, there is simply no motivation to combine the two references for this purpose. Further, notwithstanding motivation, a combination of the two references as a whole would not render claim 29 obvious for at least the reason that such a combination would still not allow for the combination of these elements.

Second, the cited references fail to suggest "***comparing identities of destination hosts monitored during the first time interval with destination host identities in a record***" as recited in claim 29. More specifically, the Office Action admits "[t]he combination [of *Andersen* and *Shipp*] does not explicitly disclose establishing a record which is at least indicative of identities of hosts within the network to whom data has been sent by a first host"

(OA page 4, line 18). Additionally, *Adolf* fails to overcome the deficiencies. More specifically, *Adolf* discloses “[g]eneration of data by mobile units (vehicles) to model reality concerning route(s) and traffic and storing this data for further use” (Abstract). The portion of *Adolf* cited by the Office action includes citation of Denmark Patent No. 38 28 725 A1, which describes “a method to record and sort a route carried out for the first time with a facility installed in the subject vehicle” (column 1, line 40). As illustrated in this passage, *Adolf* does not even suggest a “method of operating a first host within a network of a plurality of hosts, said method comprising the following steps carried out by a first host... ***comparing identities of destination hosts monitored during the first time interval with destination host identities in a record... [and] storing data from all sockets which identify monitored destination hosts not in the record***” as recited in claim 29. Further, notwithstanding the fact that *Adolf* fails to disclose or suggest these elements, *Adolf* discloses a “method and device for generating, merging, and updating of destination [vehicle] traffic data” (title), which is completely different than a “method and apparatus for remote network access logging and reporting” (*Andersen* title) or “monitoring e-mail traffic for viruses” (*Shipp* title). More specifically, monitoring traffic data has nothing to do with monitoring email traffic or logging network access. Consequently, there is absolutely no motivation to combine these references. Further, in viewing the references as a whole, combining a reference for vehicle traffic with email traffic cannot disclose or suggest a “method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... ***comparing identities of destination hosts monitored during the first time interval with destination host identities in a record***” for at least the reason that claim 29 has nothing to do with vehicle traffic.

For at least these reasons, the rejection that includes *Shipp*, *Andersen*, and *Adolf* is improper. Accordingly, Applicants respectfully request removal of this rejection and allowance of claim 29.

C. **Claim 43 is Allowable Over Andersen, Shipp, and Adolph**

The Office Action indicates that claim 43 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp* and *Adolf* fail to disclose, teach, or suggest all of the elements of claim 43. More specifically, claim 43 recites:

A method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host:

establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host;

during a first time interval, comparing (a) identities of destination hosts identified in requests to send data from the first host and (b) identities of destination hosts identified in the record; transmitting all requests to send data; and

based on the result of said comparing, storing in a buffer data to identify as such those requests which identify a destination host not in the record.

(Emphasis added).

Applicants respectfully submit that claim 43 is allowable over the cited art for at least the reason that none of *Andersen*, *Shipp*, and *Adolph*, taken alone or in combination, discloses, teaches, or suggests a "method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... ***establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host...*** [and] ***based on the result of said comparing, storing in a buffer data to identify as such those requests which identify a destination host not in the record***" as recited in claim 43. First, as previously argued, the combination of references simply does not teach "***based on the result of said comparing, storing in a buffer data to identify as such those requests which identify a destination host not in the record.***" The Office Action has repeatedly argued that *Shipp* and *Andersen*

must be considered. Applicants submit that even a combination of *Shipp* and *Andersen* fail to render claim 29 obvious. More specifically, *Shipp* clearly discloses a "logger 22 [that] is programmed so that the system logs components of each message so that similar messages can be detected. The following are logged: Subject line and digest of subject line; First few characters of text part of email, digest of first text part, and digest of first few characters..." (page 10, line 21). *Shipp* continues, disclosing:

[t]he stopper 25 takes signatures from the searcher 24. The signature identifies characteristics of emails which must be stopped. On receiving the signature, all future matching emails are treated as viruses, and stopped. Obviously, the stopping action can take a number of forms, including... Holding them in temporary storage and notifying the addressee by email that an infected message has been intercepted and is being held for a period for their retrieval, should they wish, otherwise it will be deleted.

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As clearly illustrated in this passage, *Shipp* is identifying characteristics of the email message to determine whether to "hold them in temporary storage." *Andersen* however, discloses an "identifier of the host system being accessed, for example the URL of the host system being accessed, may be extracted from the request and be included as the log data to be forwarded to log server 150 of FIG. 1" (column 5, line 19). Because *Shipp* is clearly and exclusively identifying characteristics of the email message to determine whether to "hold them in temporary storage," *Shipp* has no use for an extracted URL, as disclosed in *Andersen*. Similarly, as *Andersen* fails to even suggest monitoring for the propagation of viruses, there is simply no motivation to combine the two references for this purpose. Further, notwithstanding motivation, a combination of the two references as a whole would not render claim 43 obvious for at least the reason that such a combination would still not allow for the combination of these elements.

Second, the cited references fail to suggest "***establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been***

sent by the first host" as recited in claim 43. More specifically, the Office Action admits "[t]he combination [of *Andersen* and *Shipp*] does not explicitly disclose establishing a record which is at least indicative of identities of hosts within the network to whom data has been sent by a first host" (OA page 4, line 18). Additionally, *Adolf* fails to overcome the deficiencies. More specifically, *Adolf* discloses "[g]eneration of data by mobile units (vehicles) to model reality concerning route(s) and traffic and storing this data for further use" (Abstract). The portion of *Adolf* cited by the Office action includes citation of Denmark Patent No. 38 28 725 A1, which describes "a method to record and sort a route carried out for the first time with a facility installed in the subject vehicle" (column 1, line 40). As illustrated in this passage, *Adolf* does not even suggest a "method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... **based on the result of said comparing, storing in a buffer data to identify as such those requests which identify a destination host not in the record...** [and] **establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host**" as recited in claim 43. Further, notwithstanding the fact that *Adolf* fails to disclose or suggest these elements, *Adolf* discloses a "method and device for generating, merging, and updating of destination [vehicle] traffic data" (title), which is completely different than a "method and apparatus for remote network access logging and reporting" (*Andersen* title) or "monitoring e-mail traffic for viruses (*Shipp* title). More specifically, monitoring traffic data has nothing to do with monitoring email traffic or logging network access. Consequently, there is absolutely no motivation to combine these references. Further, in viewing the references as a whole, combining a reference for vehicle traffic with email traffic cannot disclose or suggest a "method of monitoring propagation of viruses by a first host within a network of hosts, the method comprising the following steps carried out by the first host... **establishing a record which is at least indicative of identities of destination hosts within**

the network to whom data has been sent by the first host" for at least the reason that claim 43 has nothing to do with vehicle traffic.

For at least these reasons, the rejection that includes *Shipp*, *Andersen*, and *Adolf* is improper. Accordingly, Applicants respectfully request removal of this rejection and allowance of claim 43.

D. Claims 2 – 6, 8, 9, 14 – 18, 20, 21, 23, 28 – 35, 38, 41, and 42 are Allowable Over Andersen, Shipp, and Adolf

The Office Action indicates that claims 2 – 6, 8, 9, 14 – 18, 20, 21, 23, 28 – 35, 38, 41, and 42 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp* and *Adolf* fail to disclose, teach, or suggest all of the elements of claims 2 – 6, 8, 9, 14 – 18, 20, 21, 23, 28 – 35, 38, 41, and 42. More specifically, dependent claims 2 – 6, 8, 9, 14 – 18, 20, 21, 23, and 28 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 30 – 35, 38, 41, and 42 are allowable for at least the reason that they depend from and include the elements of allowable independent claim 29. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Rejections Under 35 U.S.C. §103 – Claim 7 is Allowable Over Andersen, Shipp, Adolf, and Maher

The Office Action indicates that claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*"), in view of U.S. Patent Number 7,058,974 ("*Maher*"). Applicants respectfully traverse this rejection

for at least the reason that *Andersen* in view of *Shipp*, *Adolf*, and *Maher* fail to disclose, teach, or suggest all of the elements of claim 7. More specifically, dependent claim 7 is allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 1. Because *Maher* fails to overcome the deficiencies of *Andersen*, *Shipp*, and *Adolf*, claim 7 is allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Rejections Under 35 U.S.C. §103 – Claims 10 –13 and 24 – 27 are Allowable Over Andersen, Shipp, Adolf, and Ramanujan

The Office Action indicates that claims 10 – 13 and 24 – 27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*") U.S. Patent Number 5,341,491 ("*Ramanujan*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp*, *Adolf*, and *Ramanujan* fail to disclose, teach, or suggest all of the elements of claims 10 – 13 and 24 – 27. More specifically, dependent claims 10 – 13 and 24 – 27 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Because *Ramanujan* fails to overcome the deficiencies of *Andersen*, *Shipp*, and *Adolf*, claims 10 – 13 and 24 – 27 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Rejections Under 35 U.S.C. §103 – Claims 19 and 22 are Allowable Over Andersen, Shipp, Adolf, and Cunningham

The Office Action indicates that claims 19 and 22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*") E.P. Patent Number EP 0 986 229 ("*Cunningham*"). Applicants respectfully traverse

this rejection for at least the reason that *Andersen* in view of *Shipp*, *Adolf*, and *Cunningham* fails to disclose, teach, or suggest all of the elements of claims 19 and 22. More specifically, dependent claims 19 and 22 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Because *Cunningham* fails to overcome the deficiencies of *Andersen*, *Shipp*, and *Adolf*, claims 19 and 22 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VI. Rejections Under 35 U.S.C. §103 – Claims 36, 37, 39, and 40 are Allowable Over Andersen, Shipp, Adolf, and 858

The Office Action indicates that claims 36, 37, 39, and 40 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,122,740 ("*Andersen*"), in view of G.B. Patent Number GB 2 367 714 ("*Shipp*"), in view of U.S. Patent Number 6,356,836 ("*Adolf*") U.S. Patent Number 2002/0013858, Andersen ("*858*"). Applicants respectfully traverse this rejection for at least the reason that *Andersen* in view of *Shipp*, *Adolf*, and *858* fail to disclose, teach, or suggest all of the elements of claims 36, 37, 39, and 40. More specifically, dependent claims 36, 37, 39, and 40 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 29. Because *858* fails to overcome the deficiencies of *Andersen*, *Shipp*, and *Adolf*, claims 36, 37, 39, and 40 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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